

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MALCOLM WASHINGTON,

Plaintiff,

-v-

8:21-CV-768

WILLIAM PELELLA, Judge,

Defendant.

APPEARANCES:

OF COUNSEL:

MALCOLM WASHINGTON
Plaintiff, Pro Se
16-B-2263
Franklin Correctional Facility
P.O. Box 10
Malone, NY 12953

DAVID N. HURD
United States District Judge

ORDER ON REPORT & RECOMMENDATION

On July 6, 2021, *pro se* plaintiff Malcolm Washington (“plaintiff”) filed this action alleging that he was deprived of his civil rights when defendant Binghamton City Court Judge William C. Pelella heard his case in the absence of appropriate jurisdiction. *See* Dkt. No. 1. Plaintiff also sought leave to proceed without pre-paying the filing fee (“IFP”). Dkt. No. 2. Shortly thereafter, plaintiff filed an amended complaint. Dkt. No. 4.

On August 24, 2021, U.S. Magistrate Judge Daniel J. Stewart granted plaintiff's request for leave to proceed IFP, Dkt. No. 5, and advised by Report & Recommendation ("R&R") that plaintiff's amended complaint be dismissed with prejudice because the named defendant enjoyed judicial immunity from suit, Dkt. No. 6.

Plaintiff has filed objections. Dkt. No. 8. Plaintiff has also moved for the appointment of counsel. Dkt. No. 7. Upon *de novo* review of the portions to which plaintiff has objected, the Report & Recommendation is accepted and adopted in all respects. *See* 28 U.S.C. § 636(b)(1)(C).

Therefore, it is

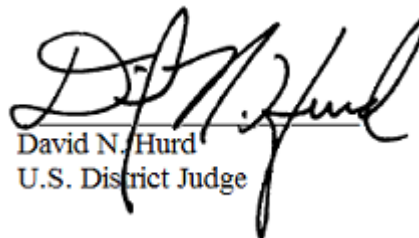
ORDERED that

1. The Report & Recommendation is ACCEPTED;
2. Plaintiff's amended complaint is DISMISSED WITH PREJUDICE; and
3. Plaintiff's motion to appoint counsel is DENIED as moot.

The Clerk of the Court is directed to enter a judgment accordingly and close the file.

IT IS SO ORDERED.

Dated: September 17, 2021
Utica, New York.



David N. Hurd
U.S. District Judge